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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

THE PEOPLE,

Plaintiff and Respondent,

v.

ROBERT FERNANDO FLORES,

Defendant and Appellant.

F056698

(Super. Ct. No. 1251637)

OPINION

THE COURT*

APPEAL from a judgment of the Superior Court of Stanislaus County. Charles V. Stone, Judge. (Retired Judge of the Stanislaus Sup. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.)

Deborah Prucha, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

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* Before Wiseman, Acting P.J., Hill, J., and Kane, J.

It was alleged in a criminal complaint filed on October 6, 2008, that appellant Robert Fernando Flores committed willful infliction of corporal injury on a spouse or cohabitant (Pen. Code, § 273.5, subd. (a))¹ and that he had suffered a prior conviction of battery against a spouse or cohabitant (§ 243, subd. (e)(1)) within the past seven years (§ 273.5, subd. (e)(1)) and a “strike,”² and had served a prison term for a prior felony conviction (§ 667.5, subd. (b)). On October 15, 2008, appellant, pursuant to a plea agreement, pled no contest to the substantive offense and admitted the section 273.5, subdivision (e)(1) special allegation. That same date appellant waived preparation of a presentence report and the court imposed the four-year midterm (§ 273.5, subd. (a)) on the substantive offense.

Appellant did not request, and the court did not issue, a certificate of probable cause (§ 1237.5).

Appellant’s appointed appellate counsel has filed an opening brief which summarizes the pertinent facts, with citations to the record, raises no issues, and asks that this court independently review the record. (*People v. Wende* (1979) 25 Cal.3d 436.) Appellant has not responded to this court’s invitation to submit additional briefing.

FACTS

Defense counsel, in response to a question from the court as to whether there was a factual basis for appellant’s plea, stated as follows: “On October 2nd, 2008, in Stanislaus County, the defendant, who is the father of the victim’s child, punched her in the face two times, resulting in traumatic conditions, redness and swelling.”

¹ All statutory references are to the Penal Code.

² We use the term “strike” as a synonym for “prior felony conviction” within the meaning of the “three strikes” law (§§ 667, subds. (b)-(i); 1170.12), i.e., a prior felony conviction or juvenile adjudication that subjects a defendant to the increased punishment specified in the three strikes law.

DISCUSSION

Following independent review of the record, we have concluded that no reasonably arguable legal or factual issues exist.

The judgment is affirmed.